

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WASHINGTON MUTUAL BANK,)
Plaintiff,)
v.) CIVIL ACTION NO. 05-11686-WGY
DAN W. ADAMS, HEIDI K. ADAMS,)
UNITED STATES OF AMERICA,)
COMMONWEALTH OF)
MASSACHUSETTS DEPARTMENT OF)
REVENUE, DELTA FUNDING)
CORPORATION and BENEFICIAL)
MASSACHUSETTS INC.,)
Defendants.)

PROPOSED ORDER

Based upon this Court's review and consideration of the evidence presented in this action, and the Judgments entered by this Court on Counts I and II of the Complaint, it is HEREBY ORDERED, ADJUDGED and DECREED that:

1. The mortgage discharge recorded by Washington Mutual Bank as agent and servicing entity for Long Beach Mortgage Company on or about April 20, 2005, in the chain of title to the property located at 15 Highfield Drive, Sandwich, Barnstable County, Massachusetts (the "Property"), which was recorded at the Barnstable County Registry of Deeds, Registered Land Division, as Document Number 999,369 is hereby declared NULL, VOID and of NO LEGAL EFFECT, nunc pro tunc to the date and time of recording.

2. The mortgage given by the record owners of the property as of April 20, 2005, Dan W. Adams and Heidi K. Adams, to Long Beach Mortgage Company, which was recorded at

the Barnstable County Registry of Deeds, Registered Land Division, as Document Number 877,425, is hereby deemed REINSTATED, VALID and OF FULL LEGAL EFFECT as of April 20, 2005.

3. The mortgage referenced in paragraph 2 above shall be deemed SUPERIOR in ORDER and PRIORITY to the following instruments recorded in the chain of title to the Property at the Barnstable County Registry of Deeds:

- (a) a mortgage on the Property in favor of Delta Funding Corp. that was recorded at the Barnstable County Registry of Deeds, Registered Land Division, on August 6, 1999 as Document Number 774,786, by virtue of a Subordination Agreement in favor of Long Beach Mortgage Company that was recorded at the Barnstable County Registry of Deeds, Registered Land Division, on July 24, 2002 as Document Number 879,406;
- (b) a mortgage on the Property in favor of Beneficial Massachusetts Inc. that was recorded at the Barnstable County Registry of Deeds, Registered Land Division, on November 26, 2002 as Document Number 895,117;
- (c) a Notice of Federal Tax Lien prepared by the United States of America, Department of Treasury – Internal Revenue Service, in the name of Dan W. Adams, against the Property, in the amount of \$241,283.47, that was recorded at the Barnstable County Registry of Deeds on October 8, 2003 in Book Number 17766, at Page Number 155; and
- (d) a Notice of Massachusetts Tax Lien prepared by the Commonwealth of Massachusetts, Department of Revenue, in the name of Dan W. Adams, against the Property, in the amount of \$7,072.03, that was recorded at the Barnstable

County Registry of Deeds on October 21, 2004 in Book Number 19157, at Page Number 133.

An Original of this ORDER shall be filed at the Barnstable County Registry of Deeds in order to clarify the priority of liens in the chain of title to the Property. Entered on this 27th day of ~~January~~, 2005.

William G. Young
WILLIAM G. YOUNG, Chief Judge
United States District Court for the
District of Massachusetts

314727-1